

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FRAMINGHAM'S PETITION FOR
DETERMINATION OF RATES APPLICABLE TO
TRANSPORTATION AND TREATMENT OF SEWAGE
PURSUANT TO INTERMUNICIPAL AGREEMENT

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D.T.E. 02-46

ASHLAND'S RESPONSES TO FRAMINGHAM'S
FIRST SET OF INFORMATIONAL REQUESTS

The Town of Ashland ("Ashland") hereby submits Ashland's Responses to Framingham's First Set of Informational Requests as follows:

GENERAL OBJECTIONS OF SPECIFIC APPLICABILITY

1. Ashland incorporates these General Objections into each and every objection and/or individualized response contained herein and into each and every amendment, supplement or modification to these responses hereinafter provided. Ashland does not waive any General Objections in response to any specific request.

2. Ashland has not yet completed its investigation of the facts pertaining to this action and has not yet completed its discovery or preparation for trial. Ashland, therefore, reserves its right to amend, modify or supplement the objections and/or responses stated herein based on the results of further investigation and/or discovery.

3. Ashland objects to each request to the extent that it seeks information protected against disclosure by the attorney-client privilege, the attorney work product doctrine or any other rule of privilege, confidentiality or immunity provided by law.

4. Ashland objects to each request to the extent that it requests information beyond the scope of the Massachusetts Rules of Civil Procedure.

5. Ashland objects to each request to the extent that it is unduly burdensome, oppressive, harassing and vexatious.

REQUESTS AND RESPONSES

REQUEST FRA 1-1

According to the November 6, 2001 report of Vollmer Associates, LLP (“Vollmer Report”), Ashland “had estimated its proportionate share of O&M costs” for the 2001 fiscal year at \$16,568. (Vollmer Report, p. 4). What is the basis for Vollmer’s assertion that Ashland has estimated costs in this amount? Please provide all documents in which this estimate is referenced, including all workpapers used to calculating this estimate.

RESPONSE FRA 1-1

Steve Sylven provided this response.

Without waiving the general objections, Ashland responds as follows. The figure \$16,568 was derived from the formula referenced on page 4 of the Vollmer Report which states “The Town of Ashland has estimated its proportionate share of the O&M cost for shared sewer to be about **\$16,858**. This is based on the product of the portion of the Framingham system that Ashland uses (3.04%), Ashland’s portion of interbasin transfer allocation compared to Framingham’s (11.19%) and the operating budget for the gravity sewer system (\$4,957,656).” The percentage 11.19% was the result of the ratio of Ashland’s IBT allocation (3.20) divided by the total of Ashland’s IBT allocation (3.20) plus Framingham’s IBT allocation (25.39). The factors for this formula (3.04%, 3.20, 25.39 and \$4,957,656) are derived from the attached calculation sheet entitled “Determination of Ashland’s share of sewer maintenance costs” which was faxed to Ashland on October 21, 1998 (“Framingham’s 1998 Calculation Sheet”). Framingham’s

1998 Calculation Sheet was provided by Framingham to Ashland on or around October 21, 1998. Without waiving the general objections, Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

As you are aware, Ashland has deferred to Framingham's 3.04% factor (instead of the 3.29% estimated factor), maintains the 11.19% IBT ratio and has adjusted the \$4,957,656 O&M cost indicated in Framingham 1998 Calculation Sheet to reflect Framingham's O&M cost of \$2,316,814 which Framingham corrected on page 6, footnote 2 of the Town of Framingham's Reply to Answer of Town of Ashland to Petition for Determination of Rates.

REQUEST FRA 1-2

According to the Vollmer Report, Ashland's proportionate share of O&M costs for the 2001 fiscal year should have been \$18,300. Please provide all workpapers supporting this calculation.

RESPONSE FRA 1-2

Steve Sylven provided this response.

Without waiving the general objections, Ashland responds as follows. Vollmer does not assert that "Ashland's proportionate share of O&M costs for fiscal year 2001 should have been \$18,300." Rather, Vollmer specifically stated, "Vollmer estimates the Ashland proportionate share of O&M cost would be about \$18,300." Per footnote 5 on page 4 of the Vollmer Report, the \$18,300 figure was derived from the formula: "Ashland's portion of Framingham's system (3.29%) x Ratio of Ashland's IBT allocation (3.20) to Framingham's (28.35) x Framingham O&M Cost of (\$4,957,656)." Note that the formula was incorrectly printed. The formula should have been stated as "Ashland's portion of Framingham's system (3.29%) x the ratio of Ashland's IBT allocation (3.20 MGD) to the **total of Ashland's IBT allocation (3.20) plus Framingham's IBT's allocation (25.39) (total = 28.59)** x Framingham O&M Cost of (\$4,957,656)."

By an independent analysis of the 2001 MWRA Community Sewerage Map of Framingham, Vollmer estimated that the sewers that Ashland shares is 3.29% of the total Framingham system. The other factors for the above formula (3.20, 25.39 and \$4,957,656) are derived from Framingham's 1998 Calculation Sheet. This sheet was provided by Framingham to Ashland on or around October 21, 1998.

As you are aware, Ashland has deferred to Framingham's 3.04% figure (instead of the 3.29% estimated factor), maintains the 11.19% IBT ratio and has adjusted the \$4,957,656 O&M cost indicated in Framingham 1998 Calculation Sheet to reflect Framingham's O&M cost of \$2,316,814 which Framingham corrected on page 6, footnote 2 of the Town of Framingham's Reply to Answer of Town of Ashland to Petition for Determination of Rates.

Without waiving the general objections, Ashland responds that non-privileged responsive documents to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-3

According to Ashland's Answer to the Petition, Ashland's proportionate share of O&M costs for the 2001 fiscal year should have been \$9,705. Please provide all workpapers supporting this calculation.

RESPONSE FRA 1-3

Dexter Blois and Steve Sylven provided this response.

Without waiving the general objections, Ashland responds as follows. The figure \$9,705 was derived by taking Ashland's portion of Framingham's system (3.04%) multiplied by the ratio of Ashland's IBT allocation (3.20) to the total of Ashland's IBT allocation (3.20) and Framingham's IBT's allocation (25.39) (total = 28.59) multiplied by Framingham's O&M Cost of \$2,853,992. By an independent analysis of the 2001 MWRA Community Sewerage Map of Framingham, Vollmer estimated that the sewers that Ashland shares is 3.29% of the total Framingham system. The factor of \$2,853,992 was derived from SEA Report's Table 4-1. Ashland added the following figures from the Budget FY01 column Framingham's O&M costs : \$834,314 (Personnel), \$282,500 (Utilities), \$300,000 (Other Equipment), \$900,000 (Indirect Costs) plus Capital Costs: \$537,178 (Depreciation) to total \$2,853,992. The other factors for the above formula (3.20, 25.39 and \$4,957,656) are derived from Framingham's 1998 Calculation Sheet. This sheet was provided by Framingham to Ashland on or around October 21, 1998.

As you are aware, Ashland has deferred to Framingham's 3.04% figure (instead of the 3.29% estimated factor), maintains the 11.19% IBT ratio and has adjusted the \$2,853,992 O&M cost indicated in Framingham 1998 Calculation Sheet to reflect Framingham's O&M cost of \$2,316,814 which Framingham corrected on page 6,

footnote 2 of the Town of Framingham's Reply to Answer of Town of Ashland to
Petition for Determination of Rates.

Without waiving the general objections, Ashland responds that non-privileged
responsive documents, to the extent they exist and are in the care, custody and control of
Ashland, will be provided.

REQUEST FRA 1-4

According to Ashland's responses to the Department's First Set of Information Requests, Ashland's proportionate share of O&M costs for the 2001 fiscal year should have been \$7,881. Please provide all workpapers supporting this calculation.

RESPONSE FRA 1-4

Dexter Blois and Steve Sylven provided this response.

Without waiving the general objections, Ashland responds as follows. The figure \$7,881 was derived from the product of the portion of the Framingham system that Ashland uses (3.04%), Ashland's portion of interbasin transfer allocation compared to Framingham's (11.19%) and Framingham's O&M cost of \$2,316,814. The factors 3.04% was derived from the 1998 Framingham Calculation Sheet provided by Framingham to Ashland on October 21, 1998. The percentage 11.19% was the result of the ratio of Ashland's IBT allocation (3.20) divided by the total of Ashland's IBT allocation (3.20) plus Framingham's IBT allocation (25.39). The factors for this ratio, 3.20 and 25.39, were also derived from the 1998 Framingham Calculation Sheet. The factor of \$2,316,814 was provided by Framingham in a correction on page 6, footnote 2 of the Town of Framingham's Reply to Answer of Town of Ashland to Petition for Determination of Rates.

Without waiving the general objections, Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-5

Please state the basis for Ashland's assertion that it uses 3.04% of Framingham's sewer system, and provide all documents supporting this contention.

RESPONSE FRA 1-5

Dexter Blois and Steven Sylven provided this response.

Without waiving the general objections, Ashland responds as follows. The figure 3.04% is derived from the Framingham's 1998 Calculation Sheet provided by Framingham to Ashland on October 21, 1998. Without waiving the general objections, Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-6

Please provide copies of any intermunicipal agreements that apportion each municipality's share of O&M costs for a sewer system based on the percentage of pipe utilized by each municipality.

RESPONSE FRA 1-6

Dexter Blois and Steve Sylven provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland has not fully investigated this issue so cannot provide an informed response at this time.

REQUEST FRA 1-7

Please describe how Ashland bills users of its sewer system. Specifically, please state whether Ashland bills its customers using a pro rata formula, a formula based on the actual pipes and other facilities utilized by each particular user, or some other methodology? Please provide copies of documents demonstrating Ashland's use of the specified methodology.

RESPONSE FRA 1-7

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland citizens are billed semi-annually at a rate calculated based on flow. The billing rate is calculated using a formula which divides Ashland's Sewer Enterprise Fund budget by the total annual sewer flow of all Ashland's sewerage users.

Without waiving the general objections, Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-8

Please explain the rationale for using Inter-Basin Transfer ACT (IBT) flows in Ashland's proposed formula for calculating its share of O&M costs, as opposed to using actual measured flows. Please provide copies of any intermunicipal agreements that utilize IBT flows for apportioning O&M costs.

RESPONSE FRA 1-8

Dexter Blois and Steve Sylven provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland utilizes the Inter-Basin Transfer Act (IBT) flows in its proposed formula rather than using actual measured flow because Framingham has not yet made available Framingham's actual measured flow through those segments of the sewerage system it shares with Ashland. Ashland has not fully investigated other intermunicipal agreements so cannot provide an informed response at this time.

REQUEST FRA 1-9

Please identify the “discrepancies in pipe lengths and sizes” referenced on page 4 of the Vollmer Report.

RESPONSE FRA 1-9

Steven Sylven provided this response.

Without waiving the general objections, Ashland responds as follows. The following specific discrepancies in pipe sizes between SEA's Table 6.2 and the 2001 MWRA's Community Sewerage Map for Framingham are noted:

The size of "Farm Pond Interceptor to Bishop Street" is noted by SEA as 30", the MWRA map indicates the pipe is 24".

The size of the "Beaver Dam Sewer from Hebert Street to Beaver St." is noted by SEA as 30", the MWRA map indicates the pipe consists of 30" and 42" pipe.

The size of the from the "Beaver Dam Interceptor connection to Arthur" Street is noted by SEA as 36", the MWRA map indicates the pipe is 42".

There are discrepancies between the length of sewer segments listed in SEA's Table 6.2 and the lengths Vollmer estimated on the 2001 MWRA's Community Sewerage Map for Framingham. The total length of shared sewer in Table 6.2 is 14,700 feet. From the 2001 MWRA map, Vollmer scaled the total length of shared sewers at 16,500 feet (10,700 feet Beaver Dam Brook Relief Sewer, 5,800 feet Farm Pond Interceptor).

REQUEST FRA 1-10

Does Ashland agree that it “should install, maintain, and bear the cost of flow monitoring equipment” at the two discharge points into the Framingham system, as recommended by Vollmer at page 6 of its report and as referenced at paragraph 4 of the IMA? If so, what plan does Ashland have for installing and maintaining these devices?

RESPONSE FRA 1-10

Dexter Blois and Steve Sylven provided this response.

Without waiving the general objections, Ashland responds as follows. There is no permanent electrical source near either discharge point so metering is not practical at this time. Ashland proposes that on a semi-annual basis Ashland will meter the last manhole at each discharge line prior to its connection with the Framingham and then compare these discharge flows with both the MWRA numbers and its own pump rate numbers.

REQUEST FRA 1-11

During the last five years, has Ashland taken flow measurements other than those taken by the MWRA at the Chestnut Street pumping station? If so, please provide all such flow data (including pump run time meter records) and identify any differences between Ashland's flow and the MWRA's flow numbers, on an average annual flow and peak instantaneous flow rate basis.

RESPONSE FRA 1-11

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland's response is yes. No analysis was done to identify differences between Ashland's flow and the MWRA's flow numbers. Without waiving the general objections, Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-12

During the last five years, has Ashland taken flow measurements other than those taken by the MWRA at the Brackett Road pumping station? If so, please provide all such flow data (including pump run time meter records) and identify any differences between Ashland's flow and the MWRA's flow numbers, on an average annual flow and peak instantaneous flow rate basis.

RESPONSE FRA 1-12

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland's response is yes. No analysis was done to identify differences between Ashland's flow and the MWRA's flow numbers. Without waiving the general objections, Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-13

Does Ashland maintain flow and cost data for each element of the infrastructure of its sewer system (e.g., pipes, gravity sewers, pump stations, manholes, force mains, siphons, etc.)? If so, please provide data for each force main connection to the Framingham sewer system, and for the Chestnut Street and Brackett Road stations, for the last five years.

RESPONSE FRA 1-13

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland's response is no.

REQUEST FRA 1-14

Have there been any instances of flow backup in the Chestnut Street pumping station? If so, please provide all data and documents associated with any such backups.

RESPONSE FRA 1-14

Without waiving the general objections, Ashland responds as follows. On a few occasions in the past, Ashland experienced backups in the Chestnut Street pumping station. Ashland has no non-privileged documents within its care, custody or control which are responsive to RESPONSE FRA 1-14.

REQUEST FRA 1-15

Has the comminator bypass barrack (sic) been active for any period of time in excess of five days during the last five years? If so, please provide all data and documents associated with such activity.

RESPONSE FRA 1-15

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. The communitor bypass bar rack has been used on occasion in the past. Without waiving the general objections, Ashland responds that no non-responsive privileged records of specific dates or times are in the care, custody or control of Ashland.

REQUEST FRA 1-16

Please provide all data and documents reflecting the amount of Infiltration and Inflow in Ashland's collection system for the past five (5) years.

RESPONSE FRA 1-16

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. All non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-17

In each year during the last five years, what has been the peak flow discharged into the Framingham system at each of the two discharge points? Please provide all data and documents reflecting those peak flows.

RESPONSE FRA 1-17

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-18.

Do the Brackett Road and Chestnut Street pumping stations have the capability to convey Ashland's peak flows at those locations?

RESPONSE FRA 1-18

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland's response is yes.

REQUEST FRA 1-19

Does Ashland agree with Vollmer Associates that “the discharge of hydrogen sulfide into [a sewer] system... can cause severe deterioration of the sewer.”? (Vollmer Report, p. 6).

RESPONSE FRA 1-19

Dexter Blois and Steve Sylven provided this response.

Without waiving the general objections, Ashland responds as follows. The discharge of hydrogen sulfide into a sewer system can cause, but does not necessarily cause, deterioration of a sewer.

REQUEST FRA 1-20

Please provide all documents referencing or pertaining to the presence of hydrogen sulfide in the Ashland sewer system, and/or the discharge of sewage containing hydrogen sulfide into the Framingham system, including but not limited to correspondence, memoranda, notices of violation, reports, and sampling data.

RESPONSE FRA 1-20

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-21

Does Ashland agree that it should be responsible to pay Framingham some amount for the cost of future capital repairs or improvements to the Framingham sewer system, as referenced at page 7 of the Vollmer Report? If so, please set forth Ashland's position as to how its share of such future capital costs should be calculated, and provide copies of any documents supporting Ashland's position.

RESPONSE FRA 1-21

Dexter Blois and Steve Sylven provided this response.

Without waiving the general objections, Ashland responds as follows. Vollmer's Report (p. 7) does not state that Ashland "should be responsible to pay some amount for the cost of future capital repairs" Rather, it says "The proportion share of capital repair costs should be for all capital repairs to shared sewers, whether it is to provide additional capacity or not. Campaign the Town of Framingham for a fair and equitable proportionate share of the cost of future capital repairs to shared sewers based on average daily flow."

Ashland agrees that it should be responsible for a fair and equitable proportionate share of the cost of repairs as well as capital improvements to those parts of the system that Ashland directly utilizes but only to the extent that such capital improvements are a direct and current benefit to Ashland. This statement is conditioned upon Ashland having input into and veto power over all such capital improvement decisions.

Ashland's cost for such repairs and capital improvements should be calculated based on the cost for such repairs and capital improvements multiplied by the ratio of

Ashland's average daily flow through the directly affected pipe segment to Framingham's average daily flow through the directly affected pipe segment.

Without waiving the general objections, Ashland has no non-privileged responsive documents in its care, custody and control.

REQUEST FRA 1-22

If Ashland were forced to construct its own connection to the MWRA system, please estimate Ashland's initial capital investment costs for such a connection, including the costs of obtaining land, permits, engineering services, and construction costs, as well as the average yearly cost to Ashland of carrying any borrowings that would be needed to establish such a connection. Please provide all workpapers relied upon to answer this request, as well as any reports or studies prepared by Haley & Ward regarding this issue.

RESPONSE FRA 1-22

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland has only begun a preliminary exploration regarding the possibility of constructing its own connection to the MWRA system. Ashland does not have a reliable estimate of the costs associated with any hypothetical connections at this time. Per the preliminary research performed by Haley & Ward, it is estimated that the cost for Ashland's connection to the MWRA would be approximately \$6,000,000. It is our understanding that this very preliminary figure is in part comprised of the costs of obtaining land, permits, engineering services, and construction costs. This preliminary figure could be adjusted downward significantly by many factors including but not limited to whether the MWRA will undertake this project as well as state and federal financial assistance. Without waiving the general objections, Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-23

If Ashland were forced to construct its own connection to the MWRA system, please estimate the annual costs to Ashland of operating and maintaining these additional parts of its system. Please provide all workpapers relied upon to answer this request, as well as any reports or studies prepared by Haley & Ward regarding this issue.

RESPONSE FRA 1-23

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland has just begun to explore the possibility of constructing its own connection to the MWRA system. It is Ashland's estimation at this time that operation and maintenance costs would be minimal at this time. Ashland has no non-privileged responsive documents in its care, custody or control which are responsive to REQUEST FRA 1-23.

REQUEST FRA 1-24

Please provide copies of the 1991 and 1997 Sewerage Facility reports referenced in the October 10, 2001 memorandum attached to the Vollmer Report.

RESPONSE FRA 1-24

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-25

Please provide copies of all sections of Ashland's budgets for the 1999, 2000, 2001 and 2002 fiscal years that reflect, pertain to or reference any monies due or paid to Framingham in consideration for Ashland's use of Framingham's sewer system.

RESPONSE FRA 1-25

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-26

Please provide record drawings (“as-builts”) of the upgrades to the Chestnut Street force main and gravity main. Also, please provide test results, if any, regarding infiltration/inflow into these pipes.

RESPONSE FRA 1-26

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-27

Please provide record drawings of the Route 126 sewer along Douglas Road, and in particular the pumping device leading to a catch basin located near the wastewater pumping station that was visible during the January 15, 2003 site visit.

RESPONSE FRA 1-27

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-28

Please state the date on which this pumping device was constructed, provide copies of any permits relating to the device, and provide copies of any records regarding flows through this device since it was constructed.

RESPONSE FRA 1-28

Dexter Blois provided this response.

Without waiving general objections, Ashland responds as follows. Ashland has no non-privileged responsive records within its care, custody and control which are responsive to REQUEST FRA 1-28.

REQUEST 1-29

Please state the purpose of the device described in FRA 1-27. If so, please provide all documents referencing or pertaining to each such event.

RESPONSE FRA 1-29

Dexter Blois provided this response.

Without waiving the general objections, the pump was a temporary pump remove I/I from a recently installed dry sewer main. The dry main is being inspected and plugged so pumping will not be necessary. Without waiving general objections, Ashland has no non-privileged records within its care, custody and control which are responsive to REQUEST FRA 1-29.

REQUEST FRA 1-30

Please state whether any of the flows intended to be pumped through the device described in FRA 1-27 were not so pumped, and entered the sewer system downstream of the Brackett Road flow meter.

RESPONSE FRA 1-30

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland is not aware of any such flows.

REQUEST FRA 1-31

Has Ashland performed any studies or created any design criteria for the sewers recently constructed and currently under construction? In particular, provide documents for the construction of the Route 126 interceptor, including criteria for pumping stations, force mains, gravity sewers, and any schedules for project completion and activation.

RESPONSE FRA 1-31

Dexter Blois provided this response.

Without waiving the general objections, Ashland responds as follows. Ashland's response is yes. Without waiving general objections, Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

REQUEST FRA 1-32

Are there recorded easements for the force mains leading to the two discharge points to the Framingham system? If so, please provide copies of any such easements.

RESPONSE FRA 1-32

Dexter Blois provided this response.

Ashland responds that non-privileged responsive documents, to the extent they exist and are in the care, custody and control of Ashland, will be provided.

Respectfully submitted by
The Town of Ashland by its attorneys,

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Dated:_____

CERTIFICATE OF SERVICE

_____, I, Maureen P. Hogan, hereby certify that on this ____ day of February 2003, I served the foregoing by mailing a copy first class, postage prepaid, to:

Christopher J. Petrini, Esq.
Erin K. Higgins, Esq.
Conn Kavanaugh, et al.
Ten Post Office Square
Boston, MA 02109

Maureen P. Hogan